

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0548

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

RICHARD KNOX,

Defendant and Appellant.

FILED

DEC 09 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Joslyn Hunt, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until April 5, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 9th day of December, 2009.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
139 N. Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

By: *Joslyn Hunt*
JOSLYN HUNT
Chief Appellate Defender

STATE OF MONTANA)
 : ss.
County of Lewis and Clark)

I, Joslyn Hunt, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as the Chief Appellate Defender.

2. In my capacity as Chief Appellate Defender, I have been assigned to handle the above-entitled matter.

3. The Appellant's opening brief is presently due on January 4, 2009. This is Appellant's first extension request; however, I am requesting longer than the usual 30-day extension for the following reasons.

4. In December, I have two opening briefs and four reply briefs due. I had mandatory training scheduled for two days which kept me out of the office and unable to work on my cases. I am also preparing for a two-day commission meeting for which I must present reports on four large areas of interest for the commission and a brief on another area of interest. I am also mentoring the new appellate attorney who began working for the office on December 7th.

5. In order to ensure the most thorough review of Appellant's case file, given my other responsibilities, I am requesting an extension of time of 90 days within which to prepare, file, and serve Appellant's opening brief.

6. I will work diligently to complete the matter in the time requested.

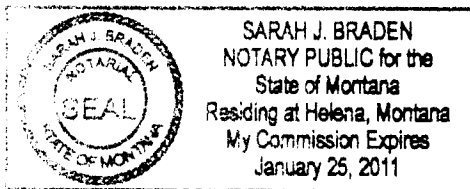
7. Opposing counsel has been contacted concerning this motion and does not object.

8. Further your affiant sayeth naught.

Joslyn Hunt
JOSLYN HUNT

SUBSCRIBED AND SWORN to before me this 9th day of December, 2009.

Sarah J. Braden
Sarah J. Braden



CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing

Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
P.O. Box 201401
Helena, MT 59620-1401

ED CORRIGAN
Flathead County Attorney
Justice Center
P.O. Box 1516
Kalispell, MT 59903-1516

RICHARD KNOX 45591
Montana State Prison
700 Conley Lake Road
Deer Lodge, MT 59722

DATED: 12/9/09 Sarah J. Braden